

ENTERED

October 31, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISIONMARLON ARTURO DUBON-
VALENZUELA
Petitioner

VS.

U.S. DEPARTMENT OF HOMELAND
SECURITY/U.S. IMMIGRATION &
CUSTOMS ENFORCEMENT
Respondent§
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CIVIL ACTION NO. 7:14-CV-410

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Petitioner's action pursuant to 28 U.S.C. § 2254(g), which motion had been referred to the Magistrate Court for a report and recommendation. On October 5, 2016, the Magistrate Court issued the Report and Recommendation, recommending that Petitioner's application for habeas release be dismissed with prejudice for reasons explained in the report. The time for filing objections has passed, and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.¹ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is **ORDERED** that Petitioner's application for habeas release is **DISMISSED** with prejudice, and a

¹As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Douglas v. United Services Auto. Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996)(quoting Fed. R. Civ. P. 72(b) advisory committee's note (1983)) *superseded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in* ACS Recovery Servs., Inc v. Griffin, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. April 2, 2012).

Certificate of Appealability is **DENIED**.

SO ORDERED this 28th day of October, 2016, at McAllen, Texas.

A handwritten signature in black ink, reading "Randy Crane", is written over a horizontal line.

Randy Crane
United States District Judge